

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

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<b>IN RE: YASMIN AND YAZ</b>	)	
<b>(DROSPIRENONE) MARKETING, SALES</b>	)	<b>3:09-md-02100-DRH-PMF</b>
<b>PRACTICES AND PRODUCTS LIABILITY</b>	)	
<b>LITIGATION</b>	)	<b>MDL No. 2100</b>

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**This Document Relates to:**

*Deirdre A. Smith v. Bayer Corp., et al.* No. 3:10-cv-11273-DRH-PMF

**ORDER DISMISSING WITH PREJUDICE**

**HERNDON, Chief Judge:**

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the above-captioned matter with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.

On April 20, 2011, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the above captioned matters without prejudice for failure to comply with PFS obligations.<sup>1</sup> The Court granted the motion on May 9, 2011.<sup>2</sup>

On March 29, 2013, nearly two years after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiff is still not in compliance with her PFS

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<sup>1</sup> Davis D.E. 6; Smith D.E. 5.

<sup>2</sup> Davis D.E. 7; Smith D.E. 6.

obligations and asking the Court to convert the without prejudice dismissal into a with prejudice dismissal pursuant to Section E of CMO 12,

To date, the plaintiff has not taken any steps to cure the PFS deficiencies, to address the without prejudice dismissal, or to reply to the motion for dismissal with prejudice. The plaintiff has had ample time to cure the any PFS deficiencies and avoid a with prejudice dismissal.

Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The plaintiff has failed to comply with her obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **the plaintiff's complaint is hereby dismissed WITH prejudice.**

**Further**, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same.

**SO ORDERED:**

 David R. Herndon  
2013.06.24  
13:08:55 -05'00'

**Chief Judge  
United States District Court**

**Date: June 24, 2013**